

McMurray
10/743,187

REMARKS

The undersigned acknowledges the courteous treatment received during the course of an interview held on this date during which interview it was pointed out how the claims as amended distinguish over the art cited by the Examiner.

The drawings were objected to for failing to show the "fabric" recited in claims 5-6. These claims have been canceled.

Claims 1-11 were rejected as being indefinite for a number of reasons. The offending language has been corrected.

Claim 1 was rejected as being unpatentable over Ha 5,947, 208 in view of Levit 618,887. The claim was also rejected as being unpatentable over Sheehan 2001/0040423 in view of McGoldrick 4,209,212. An additional rejection of this claim was based upon Katahdin literature (KGC) in view of Pollard 694,987.

Claim 2 was rejected as being unpatentable over Sheehan and McGoldrick and further in view of Berkus 3,993,378. This claim was also rejected as being unpatentable over KGC and Pollard in view of Berkus 3,993,378.

Claims 3-9 were rejected as being unpatentable over all of the references immediately above and further in view of Kenkel 5,546,714.

Claims 3-4 were rejected as being unpatentable over KGC, Pollard, Berkus and further in view of Kenkel.

Claims 5-11 were rejected as being unpatentable over KGC, Pollard, Berkus, Kenkel and a Heritage Cases publication.

Ha discloses a fire extinguisher cabinet which has a rough appearance to the present invention with many differences to be pointed out below.

Sheehan has a portable wall frame to enclose a wall calendar and also bears a superficial resemblance to the present invention with a number of significant differences.

McMurray
10/743,187

Levit has a display case for clothing such as bow ties and was cited for the use of a knob on the front of the door.

McGoldrick shows a jewelry display housing and was cited for the use of a light to illuminate the interior of the housing.

Berkus teaches a battery housing and was cited for the use of hook and loop material to removably attach a door frame to a door stop. The present invention uses this material in connect with a door frame which is inserted into an opening. In Berkus, the door sits outside of the opening.

Kenkel shows a glazing seal and door frame and was cited for the use of clips to retain a transparent member.

KGC discloses cabinets for displaying musical instruments such as a guitar. Applicant is not arguing that the use of a cabinet to display a guitar is new or novel. However, this reference does not show any structural details of the cabinets, and the present invention is in the details of the construction which is lacking in this reference. It appears that the doors in the cabinets are hinged. The present invention does not employ hinges on the door.

Pollard has a show case and was also cited for the use of a light in the cabinet. The light is located at the top of the cabinet as opposed to the claimed arrangement in which the light is at the bottom of the cabinet.

The Heritage cases show cabinets for displaying a guitar and was cited for the use of fabric in the cabinets, a feature now eliminated from the claims as noted above.

In view of the excellent art cited by the Examiner, claim 1 has been extensively amended to recite the details of construction in significant detail, including the door frame fitted inside of an opening, the door being mounted without hinges, this combination of features not being taught or suggested in the art of record. The claim has also been amended to recite the guitar as part of the combination and the U-shaped member to support the guitar by the neck (see Fig. 9), a feature also appearing to be lacking in the art

McMurray
10/743,187

cited. The claim also is specific as to the location of the hook and loop material, the location of the light source, and details of the piping.

In discussing the piping, the Examiner states "that the piping design is merely carried by the housing and provides ornamentation thereto. Lacking a new or unobvious functional relationship, the claimed ornamentation is not germane to issue of patentability". In other words, the Examiner was unable to find piping used in the manner as described and shown in the specification and drawings and as claimed. The undersigned respectfully disagrees with this position taken by the Examiner. The piping is physical structure and can and should not be ignored by the Examiner. While the use of piping may contribute to the appearance of the cabinet, such piping, being part of the structure of the cabinet, is capable of performing one or more useful functions as part of the cabinet, as for example, preventing dust from entering the cabinet through the door frame. As claimed, it is believed that the location of the piping is believed to be novel in its context.

Claims 2-3, 5-8 and 10 have been canceled.

Depending claims 4, 9 and 11 as amended add details such as the caps on the corners, this feature also appearing to be lacking in the art applied. The depending claims would be allowed along with their parent claim 1.

In the rejection of the claims, the Examiner has shuffled around a large number of references, employing them in different combinations to reject the claims. This is a strong suggestion that there is a lack of motivation for combining the references in any particular way, unless the suggestion comes from Applicant's own teachings.

In addition, the use of a large number of references to fit the pieces together in a certain manner suggests unobviousness of the claimed invention for the following reason. Any invention is made of parts which are known in the art. When a point is reached where a large number of references are necessary to reject a claim, then the question of motivation to combine all of those references in any particular manner arises. It is well

McMurray
10/743,187

understood that where there is a reasonable doubt, such doubt should be resolved in favor of the applicant.

In view of the foregoing, it is believed that the claims in their present form clearly distinguish over the art of record and should be allowed.

A conscientious effort has been made to place this application in condition for immediate allowance. The Examiner is requested to call the undersigned or Mr. Kroll if further changes are required to obtain allowance of the application.

A favorable action is solicited.

Respectfully submitted,



LEONARD BELKIN

Reg. No. 18,063

Tel 301-254-8549

for

Michael I. Kroll

Reg. No. 26,755

171 Stillwell Lane

Syosset, NY 11791

Tel 516-367-7777

Dated: Nov. 7, 2005

CERTIFICATE OF FAXING

I hereby certify that this correspondence is being facsimile transmitted to the U. S. Patent and Trademark Office, telephone number 571-272-8300 on Nov. 7, 2005.



Leonard Belkin